

04-5286 DODD V. UNITED STATES

DECISION BELOW: 365 F.3D 1273 (11TH Cir. 2004)

QUESTION PRESENTED

The Question Presented is: Does the one-year limitations period in 28 U.S.C. § 2255 ¶ 6(3) begin to run (i) when either the Court or the controlling circuit court has held that the relevant right applies retroactively to cases on collateral review (as the Third, Fourth, Sixth, Seventh, and Ninth Circuits hold), or instead (ii) when the Court recognizes a new right, whether or not it is made retroactively applicable to cases on collateral review (as the Fifth and Eleventh Circuits hold, and the Second and Eighth Circuits have stated in *dicta*)?

Cert. Granted 11/29/04